CHAPTER clxxviii.

An Act for conferring further powers on the Aldershot Gas and Water Company for the construction of a Tramroad and the acquisition of lands for that purpose the defining and extending their limits of Water Supply also empowering the Company to enter into an agreement with the North Camp and Farnborough District Gas Company Limited the raising of additional capital and for other purposes. [7th August 1896.] A.D. 1896.

WHEREAS by the Aldershot Gas and Water Act 1866 (herein-after referred to as "the Act of 1866") the Aldershot Gas and Water Company (herein-after called "the Company") were incorporated for the purpose of supplying gas and water within the limits of the said Act being the parish of Aldershot in the county of Southampton and the capital of the Company was declared to be twenty-five thousand pounds in shares of ten pounds each in addition to four thousand five hundred pounds preference stock to be created and issued in manner therein mentioned the Company being also entitled to exercise the borrowing powers therein mentioned:

And whereas by the Aldershot Gas and Water Provisional Order confirmed by the Gas and Water Orders Confirmation Act 1879 (herein-after referred to as "the Order of 1879") the Company were authorised to raise additional capital to an amount of twenty-five thousand pounds and to exercise the borrowing powers therein mentioned:

And whereas by the Aldershot Gas and Water Provisional Order confirmed by the Gas and Water Orders Confirmation Act 1890 (herein-after referred to as "the Order of 1890") the Company were authorised to raise additional capital to the amount of twenty thousand pounds and exercise the borrowing power as therein mentioned:

[*Price* 1*s.* 6*d.*]

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And whereas the authorised share and loan capital of the Company under their original Act and before-recited Provisional Orders consists of—

Date of Act or Provisional Order.	Capital authorised.		Total.
	Share.	Loan.	
	£	£	
Act of 1866 - { Preference	25,000 - } 4,500 - }	6,200	
Order of 1879 -	25,000 -	6,250	
„ 1890 -	20,000 -	5,000	
	£74,500	£17,450	£91,950

And whereas the following is a statement of the share and loan capital of the Company so far as the same has been issued and raised :—

Act or Order under which issued.	Class of Security.	Amount raised.		
		£	s.	d.
Act of 1866 - -	Ordinary A shares - -	25,000	0	0
	Preference stock - -	4,500	0	0
	Mortgage - - -	6,200	0	0
Order of 1879 - -	Ordinary B shares - -	5,000	0	0
	Preference C shares - -	20,000	0	0
	Debenture stock - -	6,250	0	0
Order of 1890 - -	Preference D shares - -	12,510	0	0
	Premium on do. - -	4,209	19	9
	Debenture stock - -	810	0	0
	Premium on do. - -	33	8	6
		£84,513	8	3

And whereas it is expedient that the Company should be authorised to construct the tramroad herein-after mentioned :

And whereas it is expedient that the Company should extend their limits of water supply :

And whereas it is expedient that the agreement between the Company and the North Camp and Farnborough District Gas Company Limited as scheduled to this Act should be confirmed :

And whereas it is expedient that the Company should be empowered to raise additional capital :

And whereas plans and sections showing the lines and levels of the tramroad authorised by this Act and the lands which may be taken for the purposes thereof and a book of reference to the plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the said lands were duly deposited with the clerks of the peace for the counties of Southampton and Surrey and are herein-after referred to as "the deposited plans sections and book of reference":

And whereas the objects of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited as the Aldershot Gas and Water Act 1896.

Incorporation of general Acts.

2. The following Acts and parts of Acts—

The Lands Clauses Acts:

The Waterworks Clauses Acts 1847 and 1863 provided that the former of those Acts as incorporated in the Act of 1866 and in this Act shall be read as if the words in clause 44 "with the "consent in writing of the owner or reputed owner of any "such house or of the agent of such owner" were omitted therefrom:

The Gasworks Clauses Act 1871:

The Railways Clauses Consolidation Act 1845 except the provisions thereof with respect to the carrying of passengers and goods upon the railway and the tolls to be taken thereon and Part I. (Construction of a railway) of the Railways Clauses Act 1863 (provided always that the provisions of these Acts as incorporated in this Act shall apply only to the tramroad by this Act authorised and that in construing such provisions for the purposes of this Act the expressions "the railway" and "the centre of the railway" shall respectively mean the said tramroad):

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

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The forfeiture of shares for non-payment of calls;
The remedies of creditors of the Company against the shareholders;
The borrowing of money by the Company on mortgage or bond;
The conversion of the borrowed money into capital;
The consolidation of the shares into stock;
The general meetings of the Company and the exercise of the right of voting by the shareholders;
The making of dividends;
The giving of notices; and
The provision to be made for affording access to the special Act by all parties interested:

Part I. (Cancellation and surrender of shares) Part II. (Additional capital) and Part III. (Debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869: are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation of terms.

3. In this Act and subject to the provisions of this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act or any Act wholly or partially incorporated herewith shall for the purposes of this Act be read and have effect as if the debt or demand in respect of which the expression is used were a simple contract debt and not a debt or demand created by statute;

The expression "the Aldershot Council" means the Aldershot Urban District Council;

The expression "the Farnham Council" means the Farnham Rural District Council;

The expression "the county council" means the county council for the administrative county of Southampton;

The expression "the Farnborough Company" means the North Camp and Farnborough District Gas Company Limited.

Power to make tram road.

4. Subject to the provisions of this Act the Company may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the tramroad herein-after described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose:

The tramroad herein-before referred to and authorised by this Act is as follows :—

A tramroad (5 furlongs 5·30 chains in length) to be constructed of the ordinary gauge of four feet eight and a half inches commencing in the parish of Seale in the county of Surrey by a junction with the Alton and Winchester Branch Railway belonging to the London and South Western Railway Company at a point five chains or thereabouts from the west face of the bridge over the railway at their Tongham Station measured along the rails of such branch railway in a south-westerly direction and terminating in the Company's gasworks yard or premises situate in Ash Road in the parish of Aldershot in the county of Southampton.

For the protection of the London and South Western Railway Company.

5. For the protection of the London and South Western Railway Company (in this section called "the South Western Company") the several provisions of this section shall have full effect with reference to the intended works of the Company :—

(1.) The junction between the tramroad by this Act authorised and the Alton and Winchester Branch Railway of the South Western Company and all openings in the rails of the Alton and Winchester Branch Railway shall be made only at such point or points thereon respectively within the limits of deviation shown on the deposited plans and in accordance with such plans as to the manner and form of such junction as the South Western Company shall approve and should the South Western Company so require the junction shall be by means of a side line and all communications and openings and all sidings side lines and works at or in connexion with the junction hereby authorised with the railway of the South Western Company which may be made for the reception accommodation and delivery of the traffic of the Company whether on the land of the Company or on the land of the South Western Company shall be made by the South Western Company at the sole expense of the Company and according to terms and conditions from time to time agreed on between the Company and the South Western Company and shall be for ever thereafter maintained and kept in good repair by the South Western Company at the expense of the Company In the event of any difference arising between the Company and the South Western Company in regard to the matters aforesaid the same shall be settled by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President for the time being of the Institution of Civil Engineers :

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(2.) The South Western Company may from time to time erect such signals and conveniences incident thereto and appoint and remove such watchmen switchmen or other persons as may be necessary for the prevention of danger to or interference with the traffic going over the junction between the tramroad by this Act authorised and the railway of the South Western Company and the working and management of the junction and all such signals and conveniences whether on lands of the South Western Company or of the Company shall be under the exclusive management and regulations of the South Western Company and all the actual expenses necessarily incurred of making and maintaining the junction and such signals and conveniences the wages of such watchmen switchmen and other persons and all incidental current expenses shall be repaid by the Company to the South Western Company as regards the expense of erection on the completion thereof and as regards all such other expenses and wages at the end of every half year and in default of such repayment within three calendar months after the same should have become payable the South Western Company may at the expiration of twenty-one days after notice in writing shall have been given by the South Western Company to the Company remove the points forming the junction between the railway of the South Western Company and the said tramroad so as effectually to prevent the passage of trains thereover until such expenses and wages are paid and in addition the South Western Company may recover from the Company the amount of such expenses and wages in any court of competent jurisdiction provided that the Company shall on payment of such expenses and wages be at liberty forthwith to require the South Western Company to replace the points which may have been removed so as to enable trains to run over and through the same and the South Western Company shall give the Company every facility for the purpose:

(3.) No land belonging to the South Western Company shall be taken by the Company without the consent in writing of the South Western Company under their common seal first had and obtained provided always that the Company may purchase and take from the South Western Company and that company shall if so required by the Company grant in perpetuity to the Company an easement or right of using for the purposes of the intended junction of the tramroad with the railway of the South Western Company and for the purposes of the works and conveniences necessary in connexion with

the said junction such parts of the lands of the South Western Company as are necessary for those purposes and the sum to be paid by the Company for the said easement whether an annual sum by way of rent or sum in gross shall in case of difference be determined and from time to time on the application of either party readjusted by an arbitrator to be appointed in manner herein-before provided:

(4.) In the event of the South Western Company desiring to alter or extend their railway or any of the works approaches buildings or conveniences connected therewith the Company shall give to the South Western Company every reasonable facility for the execution of such alteration or extension with liberty to alter or move the position of the junction by this Act authorised and shall pay any extra cost which may be occasioned to the South Western Company in consequence of the construction on their existing property of the works or the exercise of the powers by this Act authorised.

Provisions as to construction and user of tramroad and for protection of County Council and Aldershot Council.

6.—(1.) In addition to the line of tramroad herein-before authorised and shown on the deposited plans the Company shall at its own expense construct a siding from such tramroad at the northern end thereof across the said Ash Road on the level and into the sewage works of the Aldershot Council in accordance with a plan which has been already agreed between the chairman of the Company and of the Aldershot Council and signed by them respectively and by the Right Honourable the Earl of Morley Chairman of Committees of the House of Lords.

(2.) The Company shall erect and maintain at all times a proper and sufficient gate or gates across the siding on the south side of the said road and such gate or gates shall be kept constantly closed across the siding except during the time when horses carriages or trucks passing along the siding line shall have occasion to cross the said road and such gates shall be of such dimensions and so constructed as when closed to fence in the siding and prevent cattle or horses passing along the said road from entering upon the siding and the drivers of any horses carriages or trucks passing along the siding or other the person whose office or duty it may be to open the said gates shall cause the same to be closed as soon as such horses carriages or trucks shall have passed through the same The provisions of this sub-section shall operate in lieu of and notwithstanding anything contained in Part I. of the Railways Clauses Act 1863 with reference to level crossings.

(3.) The siding shall where laid in or across the said road be laid and maintained in such a manner that the uppermost surface of

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the rails shall be on a level with the surface of the road provided that the Company shall not be liable to alter or relay their rails across the said road if at any time they shall have become above the level of the surface of the said road owing to the wear of such road and the non-repair of the same by the county council or other authority liable for the repair of the same.

(4.) The rails of the siding shall be such as the county council may approve as usual and proper to be used for level crossings in similar cases.

(5.) The Company shall at all times maintain and keep in good repair and condition and so as not to be a danger or annoyance to the ordinary traffic the siding where laid in the said road the paving metalling or other road materials laid down by the Company and the substructure on which the same rests If and whenever the level of the said road shall be altered (save and except in the ordinary repair of the same) the Company may and shall from time to time alter their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

(6.) The Company shall before opening or breaking up the said road for any purposes in relation to the said siding give 14 days notice to the county council of the nature of the works proposed to be carried out by the Company in or upon the said road and the Company shall not commence the works proposed so far as they may affect the said road (except in case of emergency) until the county council shall by its surveyor or other authorised officer have given its approval to the proposed works and the same shall then be executed in accordance in all respects with the notices given by the Company and under the superintendence and to the reasonable satisfaction of the county surveyor for the time being as herein after provided unless the county surveyor refuses or neglects to give such superintendence or discontinues the same during the work.

(7.) The Company shall pay all reasonable expenses to which the county council may be put on account of such superintendence.

(8.) If a horse or horses being ridden or driven on the said road shall become frightened at any carriage or trucks in use on the siding where it crosses the said road the person in charge of the carriage or trucks shall bring the same to a standstill and shall if required assist in conducting the horse or horses past the said carriages or trucks.

(9.) All carriages or trucks in use on the siding shall be moved across the said road without delay and without being brought to a standstill thereon (except in compliance with the last preceding sub-section or from other unavoidable cause).

(10.) The county council may from time to time make amend and revoke byelaws as to the use of the siding for the purpose of securing the safety of the public and preventing obstruction The provisions of sections 109 110 and 111 of the Railways Clauses Consolidation Act 1845 shall so far as the same are applicable extend and apply to and in relation to such byelaws the county council being substituted in those sections for the Company.

(11.) If the Company at any time fail to comply with any provision of this section or if any person fail to perform any duty or obligation imposed on him by this section or by any byelaw made thereunder then and in every such case the Company or such person as the case may require shall for every such offence be liable upon summary conviction to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding forty shillings for every day after the first on which such failure continues.

(12.) The tramroad and siding shall be used exclusively for the carriage by the Company of materials to and from their premises and to and from the said Tongham Station Except that if the Aldershot Council shall be desirous of utilising the tramroad and siding for the conveyance of materials to and from the sewage works adjoining the premises of the Company the Company shall carry any such materials for and on behalf of the Aldershot Council upon such terms as may be mutually agreed upon between the Company and the Aldershot Council upon the basis of the actual cost of haulage with a reasonable allowance in addition for wear and tear such cost in default of agreement to be fixed by an arbitrator to be nominated on the request of either party by the President for the time being of the Institute of Civil Engineers Provided always that the carriage over the tramroad of the materials of the Aldershot Council shall be subject to the reasonable requirements of the Company as regards the carriage of their own materials for the purpose of their business being first satisfied and the materials of the Aldershot Council to be so carried shall under no circumstances without the consent of the Company exceed an average weight of forty tons per diem.

(13.) In case at any time the said sewage works of the Aldershot Council shall be discontinued on the present site the said level crossing over the said Ash Road shall be abolished.

(14.) The motive power upon the said tramroad may be steam or other mechanical power or animal power and on the said siding into the sewage works of the Aldershot Council shall be animal power only.

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Extended limits of supply of water.

7. From and after the passing of this Act the limits of the Company for the supply of water shall extend to and include the following portions of the parish of Seale in the said county of Surrey (that is to say):—

That part of the parish of Seale which lies to the north of the main road along the Hog's Back and which is bounded on the east by the parish of Wanborough and on the west by the parish of Farnham Rural.

As to supply of water in bulk.

8. The Company may from time to time by agreement supply water in bulk within or beyond the limits of supply (as extended by this Act) to any urban or rural district council or to any company authorised to supply water or to any department of Her Majesty's Government or to any person (but as to any such person beyond the Company's limits of supply only with the consent in writing of the local authority or any company authorised by Parliament to supply water within the district within which the supply is to be given) upon such terms and conditions and for such remuneration as may from time to time be agreed upon between the Company and such authority or company or department or person but notwithstanding any such agreement no such authority or company or department or person shall be entitled to such supply of water whenever and as long as the Company are of opinion that the same would interfere with the proper supply of water for domestic purposes under the provisions of the Act of 1866 within the said limits and if at any time the Company shall supply water in bulk to any district council body company department or person beyond the limits of supply so as to interfere with or prejudice the supply of water for domestic purposes within the said limits as defined by the Act of 1866 as extended by this Act they shall be liable to a penalty not exceeding one hundred pounds a day for every day or part of a day on which they shall so supply water in bulk.

As to exercise of powers of Act in extended area.

9. The following provisions shall be observed and have effect with reference to the extension of the limits of supply of the Company by this Act authorised and the powers by this Act conferred upon the Company as regards the portion of the parish of Seale by this Act included within such limits (herein-after referred to as "the extended area"):—

(1.) The Farnham Council shall have with the Company the concurrent right of taking water from any portion of the extended area for the supply of water for all purposes other than manufacturing purposes within the district under the authority of the Farnham Council (other than the extended

area and the parish of Ash and Normandy) Provided that such right of the Farnham Council of taking water within the extended area shall not be transferred at any time by the Farnham Council to any other authority (other than any authority to be substituted for the Farnham Council for dealing with water supply) company or person without the consent in writing of the Company under its common seal:

(2.) Within twelve months from and after the date on which the Company may have completed any works within the extended area for obtaining water therefrom the Company if desired by the Farnham Council shall deliver to that council from and at such works a supply of water in bulk for all purposes of supply (other than manufacturing purposes) by the Farnham Council within the district under their authority (exclusive of the extended area and the parish of Ash and Normandy) but the right of the Farnham Council to any supply of water in bulk under this section shall not be transferable by the Farnham Council to any other authority (other than as aforesaid) company or person without the consent in writing of the Company under its common seal The price to be paid to the Company by the Farnham Council for any such supply of water in bulk to be such sum not exceeding the rate of one shilling per thousand gallons as may be agreed upon between the Company and the Farnham Council:

(3.) Any supply of water in bulk by the Company shall be subject to the requirements of any department of Her Majesty's Government under any contract between the Company and any such department:

(4.) The Company shall not be bound to supply water for domestic purposes within the extended area until the expiration of two years from the date of the passing of this Act.

Confirming agreement for sale and purchase of undertaking of the Farnborough Company.

10. The agreement between the Farnborough Company and the Company as set forth in the schedule to this Act is hereby confirmed and made binding on the parties thereto and the Farnborough Company shall sell and transfer to the Company and the Company shall purchase the undertaking of the Farnborough Company as defined by or otherwise expressed in the scheduled agreement for the consideration and on the terms and conditions which are in the said agreement set forth And as and from the date of the completion of the purchase by the Company of the undertaking of the Farnborough Company in pursuance of the scheduled agreement the Company shall be entitled to all the benefit of all the rights powers and privileges and shall be subject to all the obligations to which the Farnborough Company was

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entitled or subject under the North Camp and Farnborough District Gas Provisional Order 1877 as confirmed by the Gas and Water Orders Confirmation (Abingdon &c.) Act 1877 or any of the Acts incorporated therewith.

As to winding up of the Farnborough Company.

11. So soon as conveniently may be after the transfer of the undertaking of the Farnborough Company the affairs of the Farnborough Company shall be wound up and for that purpose the directors of the Farnborough Company then in office and the survivors of them shall continue in office without re-election and may and shall exercise all powers necessary for the declaration of dividends amongst the shareholders of the Farnborough Company for payment of such dividends for the distribution of the purchase money and all other sums of money paid to the Farnborough Company by the Company and for winding up the affairs of the Farnborough Company and when and so soon as such moneys have been distributed and their affairs been wound up the Farnborough Company shall be by virtue of this Act dissolved:

Provided always that if necessary the Farnborough Company shall subject to the provisions of this Act be wound up in the same manner and with the same incidents as if it were a company registered under the Companies Acts 1862 to 1890.

Existing powers of purchase by Aldershot Council of water undertaking to include extended area subject as after mentioned.

12. The existing rights and powers now vested in the Aldershot Council by virtue of section 51 of the Public Health Act 1875 in relation to the purchase by agreement of the Company's water undertaking shall extend to and include the extended area of water supply set forth in section 7 hereof and the powers contained in the said section of the Public Health Act shall be exerciseable by the Council in respect of the whole of the Company's area of water supply or any part thereof Provided always that in the event of any such purchase the Aldershot Council shall become and be subject to all the provisions of this Act with reference to the supply of water by the Company both within such extended area and to the Farnham Council.

Existing powers of purchase by Aldershot Council of gas undertaking to include any added area subject as after mentioned.

13. If under the provisions of section 10 of this Act or of the agreement in the said schedule set forth the area within which the Company shall be authorised to supply gas shall be extended the existing rights and powers now vested in the Aldershot Council by virtue of section 162 of the Public Health Act 1875 in relation to the purchase of the Company's gas undertaking shall extend to and include the added area of supply and shall be exerciseable by the Aldershot Council in respect of the whole of the Company's area of gas supply or any part thereof:

Provided nevertheless that any right of the Aldershot Council under this section shall be subject in all respects to the rights and

powers of the local authority in any such extended area of gas supply under the same section of the Public Health Act 1875.

Power to acquire additional lands by agreement.

14. In addition to the lands which the Company are otherwise authorised to purchase or hold they may for any of the purposes of their undertaking from time to time by agreement purchase any additional quantity of land not exceeding in the whole ten acres within their limits of supply as extended by this Act or any easement or right (not being an easement or right of water in which other than parties to the agreement have an interest) in or over any lands or otherwise which they may from time to time think requisite for any of the purposes of their undertaking and may on all or any of such lands execute for the purposes of and in connexion with their undertaking any of the works and exercise any of the powers mentioned in section 12 of the Waterworks Clauses Act 1847 and the Gasworks Clauses Act 1847 Provided that the Company shall not on any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with or necessary for their undertaking.

Power to take easements &c. by agreement.

15. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which other than parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in that behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Restriction on taking houses of labouring class.

16. The Company shall not under the powers of this Act purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district ten or more houses which on the fifteenth day of December next before the passing of this Act were occupied either wholly or partly by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except

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members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Application of authorised capital.

17. The Company may apply for the purposes of this Act to which capital is properly applicable any money which they have raised or may be authorised to raise under this or any prior Act or order.

Power to Company to raise new capital.

18. In addition to the capital authorised to be raised by the Company under the Act of 1866 and the Orders of 1879 and 1890 the Company may from time to time raise any further capital (in this Act called "E capital") to such nominal amount as shall be sufficient to produce including the premiums if any which may be obtained on the sale thereof the sum of sixty thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those modes respectively Any such new preference shares or stock to rank next after the existing D preference shares of the Company and any such new ordinary shares or stock to rank pari passu with the existing ordinary shares of the Company.

As to voting in respect of preference capital.

19. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

Incidents of new capital.

20. Subject to the provisions of this Act the new capital created by the Company under this Act by shares or stock shall be part of the general capital of the Company and save as otherwise expressly provided by this Act the holders of the shares or stock therein shall be entitled to the like rights of voting and other rights qualifications and privileges in proportion to the amount of their shares or stock and be subject to the like provisions liabilities and forfeitures as the holders of shares or stock in the existing capital of the Company.

As to nominal value and vesting of shares.

21. The Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any share or stock vest in the person accepting the same unless and until the full price of such share or stock including any premium obtained upon the sale thereof shall have been paid in respect thereof.

Limit of dividend on new capital.

22. The Company shall not in any one year pay out of their profits any larger dividend on the new capital than at the rate

of seven pounds per centum on the amounts actually paid up in respect of capital issued as ordinary capital or five pounds per centum on the amounts actually paid up in respect of capital issued as preference capital.

Dividends on different classes of ordinary capital to be paid proportionately.

23. In case in any half year the net revenues of the Company applicable to dividend shall be insufficient to pay the full amount of the prescribed maximum rates of dividend on each class of ordinary stock or shares in the capital of the Company a proportionate reduction shall be made in the dividend of each class.

New shares or stock to be offered by auction or tender.

24. Notwithstanding anything in this Act contained the Company shall when any shares or stock in the new capital created under the powers of this Act are or is to be issued and before offering the same to the holder of any other shares or stock in the Company and whether the ordinary shares or ordinary stock of the Company are or is at a premium or not offer the same for sale by public auction or by tender in such manner at such times and subject to such conditions of sale as the Company shall from time to time determine Provided that at any such sale no single lot shall comprise more than one hundred pounds nominal value of such shares or stock and that the reserved price put upon such shares or stock shall not be less than the nominal amount thereof and notice of the amount of such reserved price put upon such shares or stock shall be sent by the Company in a sealed letter to the Board of Trade not less than twenty-four hours before the day of auction or the last day for the reception of tenders as the case may be and such letter may be opened after such day of auction or last day for the reception of tenders and not sooner And provided that no priority of bid or tender shall be allowed to any holder of shares or stock in the Company except that if any bid or offer by tender of any holder or holders of shares or stock in the Company be the same in amount as any bid or offer made by any other person the bid or offer of such holder or holders of shares or stock shall be accepted in preference.

Purchase money of capital sold to be paid within three months.

25. It shall be one of the conditions of any sale of shares or stock in the new capital created under this Act that the full price thereof including any premiums given by any purchaser at such sale shall be paid to the Company within three months after such sale.

As to notice to be given as to sale &c. of shares or stock.

26. The intention to sell any such shares or stock by auction or by tender shall be communicated in writing to the clerk to every district council within the limits of the Company for the supply of gas or water and to the secretary of the committee of the London Stock Exchange at least twenty-eight days before the day

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of auction or the last day for the reception of tenders as the case may be and notice of such intention shall be duly advertised once in each of two consecutive weeks in one or more local newspapers circulating within the limits of the Company for the supply of gas or water.

Shares or stock not sold by auction or by tender to be offered to share or stock holders.

27. When any shares or stock in the new capital created under the powers of this Act have been offered for sale by auction or tender and not sold the same shall be offered at the reserved price put upon the same respectively for the purpose of sale by auction or tender to the holders of ordinary shares or ordinary stock of the Company in manner provided by the Companies Clauses Act 1863 Provided always that any shares or stock so offered and not accepted within the time prescribed by the said Act shall again be offered for sale by public auction or by tender in the manner and subject to the provisions of this Act with respect to the sale of shares and stock in the new capital created under the powers of this Act except that the reserved price put upon such shares or stock may upon such second sale (if the directors of the Company think fit) be less than the nominal amount thereof and the provisions of this section with respect to the offer of any shares or stock not sold by auction or tender to the holders of ordinary shares or stock of the Company shall apply to any shares or stock not sold at such second sale and so from time to time.

Application of premium arising on issue of shares or stock.

28. Any sum of money which shall arise from the issue of any such shares or stock by way of premium after deducting therefrom the expenses of and incident to such issue shall not be considered as profits of the Company but shall be expended in extending or improving the works of the Company or in paying off money borrowed or owing on mortgage or any debenture stock issued by the Company and shall not be considered as part of the capital of the Company entitled to dividend.

Power to borrow.

29. The Company may in respect of the new capital of sixty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage any sum or sums not exceeding in the whole one-fourth part of the amount of the new capital at the time actually issued by shares or stock including any premiums but no part thereof shall be borrowed until the whole of the shares or stock in the new capital at the time issued together with the premiums (if any) realised on the sale thereof shall have been fully paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that such shares and stock and premiums (if any) have been issued and fully

paid up and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

As to conversion of borrowed money into capital.

30. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage or by debenture stock or any part thereof by the creation of shares or stock instead of by borrowing or to convert into capital any money borrowed under the powers of this Act unless in either case all dividends upon such shares or stock whether ordinary or preferential are limited to a rate not exceeding five pounds per centum per annum.

Period for the compulsory purchase of lands.

31. The power of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of two years from the passing of this Act.

Period for completion of tramroad.

32. If the tramroad authorised by this Act be not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

As to appointment of a receiver.

33. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less in the whole than one-tenth part of the total amount for the time being owing by the Company on mortgage under the authority of the Act of 1866 the Orders of 1879 and 1890 and this Act or any one or more of them.

Existing mortgages to have priority.

34. All mortgages granted by the Company before the passing of this Act and subsisting after the passing thereof shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act but nothing in this section shall affect the priority of the interest on any debenture stock created by the Company.

Debenture stock.

35. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time after the passing of this Act created and issued or granted by the Company under any previous Act or this Act or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu (without

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respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock or mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be given on all mortgages and certificates of debenture stock.

Priority of mortgages and debenture stock over other debts.

36. All money raised or to be raised by the Company on mortgage or debenture stock shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any rentcharge granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any rent or sum reserved by or payable under any lease granted or made or to be granted or made to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock nor shall anything in this section contained affect any claims for land taken used or occupied by the Company for the purposes of the Company's undertaking and works or injuriously affected by the construction thereof or by the exercise of any powers conferred on the Company.

Application of new moneys.

37. All moneys raised under this Act whether by shares or stock or borrowing or debenture stock shall be applied only for the purposes of the undertaking authorised by the Act of 1866 the Orders of 1879 and 1890 and this Act and for the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Company may contribute towards funds of provident societies.

38. The Company with the authority of three fourths of the votes of their shareholders present in person or by proxy at a general meeting of the Company duly convened with express notice of the special object may authorise the directors from time to time and at such times and in such mode and proportions and upon and subject to such rules regulations and conditions and to such an amount as the directors think fit to contribute towards registered friendly societies for the benefit of persons in the service or employment of the Company.

Power to lay pipes in streets not dedicated to public use.

39. The Company may upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use (within the extended limits of water supply as by this Act authorised) supply such premises with gas or with water and may lay and from time to time take up alter relay or renew in across or along such

street or road such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Gasworks Clauses Act 1847 and the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and for the protection of pipes when laid so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes thereof. A.D. 1896.

Power to erect &c. cottages for officers and servants.

40. The Company may from time to time on any land for the time being belonging or leased to them erect fit up maintain and let houses cottages and buildings for the officers and servants employed by the Company for the purposes of their undertaking.

Where several houses supplied with water by one pipe each to pay.

41. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Company by a distinct pipe.

Supply of water to tenements in a row.

42. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Company to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him rated for a supply of water.

Rates of domestic supply.

43. In lieu of the rate which the Company are authorised to charge under section 68 of the Act of 1866 the Company shall from and after the passing of this Act be entitled to make the following charges for the supply of water for domestic purposes within the limits of supply as defined by that Act and as extended by this Act:—

For every dwelling-house or part of a dwelling-house the annual rack rental or value of which shall not exceed fifty pounds	Six pounds per centum per annum upon such annual rack rental or value.
For every dwelling-house or part of a dwelling-house the annual rack rental or value of which shall exceed fifty pounds but shall not exceed one hundred pounds	Five pounds ten shillings per centum per annum upon such annual rack rental or value.
For every dwelling-house or part of a dwelling-house the annual rack rental or value of which shall exceed one hundred pounds	Five pounds per centum per annum upon such annual rack rental or value.

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Provided that the Company shall not be entitled in any case to demand for the water rate for any house or part of a house included in any division of the above scale a greater sum of money than they would be entitled to demand if such house or part of a house were of just sufficient rent or value to bring it within the next division of the said scale relating to premises of a higher rent or value whereon a lower rate per centum per annum is chargeable.

Repeal of section 76 of Act of 1866.

44. Section 76 of the Act of 1866 (Power to turn off water in certain cases) is hereby repealed.

Company may remove gas or water pipes &c. from unoccupied premises.

45. If and whenever any house building or premises which shall have been supplied with gas or water by the Company shall be unoccupied for the space of three months the Company their agents servants or workmen after giving twenty-four hours previous notice to the owner by serving the notice on him or sending the same by post addressed to him at his usual place of abode or business or if the owner or his usual place of abode or business be not known to the Company after inquiry by affixing the same for three days on some conspicuous part of such house building or premises may enter into such house building or premises between the hours of ten o'clock in the forenoon and four o'clock in the afternoon and remove and carry away any pipe meter fittings or other works the property of the Company.

Expenses of Act.

46. The costs charges and expenses preliminary to and of and incidental to the preparing of and applying for and the obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

SCHEDULE.

AN AGREEMENT made this third day of June one thousand eight hundred and ninety-six between the ALDERSHOT GAS AND WATER COMPANY (herein-after called "the Aldershot Company") of the one part and the NORTH CAMP AND FARNBOROUGH DISTRICT GAS COMPANY LIMITED (herein-after called "the Farnborough Company") of the other part.

WHEREAS the Farnborough Company were authorised by the Gas and Water Orders Confirmation Act 1877 confirming the North Camp and Farnborough District Gas Provisional Order to supply gas within the parish of Farnborough and the parish of Ash otherwise Ash and Normandy and the chapelry of Frimley upon the terms and conditions and subject to the restrictions and provisions in the said Act and Order contained And whereas the Aldershot Company are promoting a Bill in the present session of Parliament for conferring further powers upon the said Company for the construction of a tramroad and the acquisition of lands for that purpose the defining and extending their limits of water supply also empowering the Company to enter into agreements with other companies the raising of additional capital and for other purposes And whereas it has been agreed between the parties hereto that subject as herein-after mentioned the Farnborough Company shall sell and the Aldershot Company shall purchase the undertaking of the Farnborough Company in manner herein-after provided And whereas a statement signed by John Baker as the secretary of the Farnborough Company and showing the capital and revenue account of the Farnborough Company to the thirty-first day of December one thousand eight hundred and ninety-five has been produced by the Farnborough Company Now therefore it is agreed as follows :—

1. The Farnborough Company shall sell and the Aldershot Company shall purchase for the consideration herein-after mentioned the undertaking of the Farnborough Company including therein all lands houses premises hereditaments easements and appurtenances of that Company their plant mains pipes meters and machinery the goodwill of the business and choses in action together with all powers of charge rights authorities and privileges of that Company and all other property of what kind soever although not herein expressly enumerated or not herein expressly excepted belonging to that Company.

2. The said purchase is made upon the assumption that the statement herein-before mentioned of the said John Baker of the capital and revenue account of the Farnborough Company as at the thirty-first December one thousand eight hundred and ninety-five is correct and if it should hereafter appear upon audit to be made within two calendar months from the date of these presents that such account is substantially erroneous the purchase money shall be varied accordingly Provided always and it is hereby agreed

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and declared that the accounts of the Farnborough Company as audited and published to the thirty-first day of December one thousand eight hundred and ninety-four shall be taken as correct and shall not be reopened.

3. Upon the above-mentioned assumption and subject as herein-after mentioned the consideration to be paid by the Aldershot Company for the purchase of the said undertaking of the Farnborough Company shall be as follows (that is to say) :—

(*a*) The sum of nine thousand five hundred pounds in five per cent. preference stock or preference shares of the Aldershot Company fully paid up and upon which no further liability can accrue to the holder or an equivalent value in any other less or greater interest bearing preference stock or preference shares fully paid up and upon which no further liability can accrue to the holder should Parliament not sanction a further five per cent. issue :

(*b*) The sum of five thousand one hundred and sixty-two pounds ten shillings in cash to be applied as follows viz. :—

	£	s.	d.
In payment of mortgage debentures - -	3,100	0	0
In payment of premium thereon at five per cent. -	155	0	0
In payment of six months interest on such debentures in lieu of notice (such debentures to be previously paid off by the Farnborough Company) -	77	10	0
	£3,332	10	0
In payment of a debt due by the Farnborough Company to the Stanton Iron Works Company for pipes &c. - - - - -	800	0	0
In payment of siding to be put in by South Eastern Railway Company - - - -	130	0	0
Cash to be applied at the discretion of the directors of the Farnborough Company - - -	900	0	0
	£5,162	10	0

The directors of the Farnborough Company shall on or before completion of the purchase pay off the mortgage debenture debts of the Farnborough Company Provided always that in case the railway siding from the South Eastern Railway Company's yard shall not have been made or completed in a good and substantial manner according to the agreement with the South Eastern Railway Company prior to the date of completion of the purchase the Aldershot Company shall retain the sum of one hundred and thirty pounds or a proportionate part thereof from the purchase money to make or complete the same.

4. The said stock or shares and cash payments shall be handed over on the completion of the purchase to the liquidator if any of the Farnborough Company or otherwise to such directors of the Farnborough Company or other persons as the shareholders of the Farnborough Company shall by resolution duly passed at a duly convened meeting of such shareholders approve and the receipt of such liquidator directors or other persons shall be

a good and sufficient discharge to the Aldershot Company and directors thereof. A.D. 1896.

5. All consumable stores such as coal coke tar and other articles of a like nature shall be taken to by the Aldershot Company at a sum to be agreed between the said two companies and in case of difference at a valuation to be made by a valuer to be appointed by the President for the time being of the Institution of Civil Engineers of 9 Great George Street Westminster on the request of either company and the value of such stores as so taken shall be paid for by the Aldershot Company as an extra besides the sums hereinbefore stipulated Provided always that the quantity of such stores shall not exceed two months requirements of coal or two months productions of secondary products prior to date of transfer unless by special consent of the Aldershot Company.

6. On or before the completion of the purchase the directors of the Farnborough Company shall take all necessary steps for winding up the affairs of that company.

7. On the completion of the purchase the Aldershot Company shall forthwith take over and have possession of the business of the Farnborough Company as a going concern and shall continue to supply gas to the district of the Farnborough Company in all respects upon the terms upon which the same was supplied by the Farnborough Company and shall be entitled to all the benefit of all the rights powers and privileges and shall be subject to all obligations to which the Farnborough Company were entitled or subject under the North Camp and Farnborough District Gas Order 1877 as confirmed by the Gas and Water Orders Confirmation Act 1877 or any of the Acts incorporated therewith and shall fulfil all contracts entered into by the Farnborough Company and which have been previously declared to and accepted by the Aldershot Company and the Aldershot Company shall keep the Farnborough Company and the directors thereof effectually indemnified against the breach of any of the said obligations or of any contracts taken over by the Aldershot Company.

8. The transfer of the undertaking shall be made and take effect on the first day of October one thousand eight hundred and ninety-six or such other date as shall be mutually agreed between the said companies (herein-after called "the day of transfer").

9. Until the day of transfer the Farnborough Company shall be entitled to all sums actually received or earned by them for gas supplied and shall pay all interest on debenture debts salaries outgoings and debts and from and after such day of transfer the Aldershot Company shall be entitled to all sums actually received for gas supplied after such day of transfer and shall be liable for all outgoings and expenses and debts.

10. All realised profits of the Farnborough Company up to the day of transfer including the balance of such company's banking account shall be and remain the property of the Farnborough Company but in consideration that no depreciation account exists for guaranteeing the maintenance of plant and also that the working capital is at present obtained partly from accrued profits the Farnborough Company will pay the Aldershot Company any

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cash balance existing at time of transfer as betwixt the capital raised and expended which balance is hereby fixed and agreed at the sum of three hundred pounds.

11. The works and plant of the Farnborough Company shall be handed over to the Aldershot Company at the day of transfer in such a state of repair as they would ordinarily be in at such a time of year as the transfer takes place and so as to meet the requirements of the manufacture and supply of gas for Farnborough as at the present time and the gas holders and the steel tank shall be painted during the course of the ensuing summer.

12. The Farnborough Company shall not after this contract shall have been sanctioned as herein-after mentioned enter into any contract other than contracts usually made for the ordinary conduct of the business except with the consent in writing of the chairman of the Aldershot Company.

13. The title to be deduced to the lands houses premises and hereditaments of the Farnborough Company mentioned in the first clause of these presents shall commence with the deed of conveyance to Mr. J. F. Burrell from Mr. Edwin Newman dated the thirtieth day of January one thousand eight hundred and sixty-one The property is sold subject to all easements outgoings and incidents of tenure affecting the same.

14. This agreement is in all respects subject to the sanction of Parliament to the passing of the Aldershot Gas and Water Bill 1896 in its proposed form or with any modifications consistent with the adoption of this contract.

15. In the event of this contract not being carried out and the said purchase completed on or before the said first day of October one thousand eight hundred and ninety-six or such other day as shall be mutually agreed as aforesaid from any cause whatever no provision contained in any Act obtained by the Aldershot Company or in these presents shall be used by the Aldershot Company so as in any way to prejudicially affect the position of the Farnborough Company but the Farnborough Company shall continue to possess all the rights privileges and monopolies as to supply of gas and otherwise now enjoyed by such Company without any competition or interference by the Aldershot Company.

16. If any question shall arise between the parties hereto as to the true meaning of this agreement or as to anything to be done by either party thereunder the same shall be referred to a single arbitrator to be appointed by the President for the time being of the said Institution of Civil Engineers.

In witness whereof the Aldershot Company and the Farnborough Company have caused their respective common seals to be hereunto affixed the day and year first above written.

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T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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